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TINKLER, MURIEL S	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/068,061	Applicant(s) CANFIELD, JAMES W.	
	Examiner Muriel Tinkler	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/23/2007</u> <u>5-6-02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application has been reviewed. Claims 1-37 are pending. The response to arguments and rejection(s) are as follows.

Response to Arguments

1. Applicant's arguments filed August 21, 2007, regarding direct deposit and W-4 qualification criteria have been fully considered but they are not persuasive. The Applicant states that the prior art cited, "make[s] no mention of any direct deposit or W-4 qualification criteria which must be satisfied by the employee for access to the payroll information." The Examiner disagrees. Kahn discloses the use of W-4 (withholding allowance) information in column 44 (lines 32-47). As shown, the Kahn reference, the W-4 information is used to calculate payroll taxes, which is required for payroll processing. The use of direct deposit is disclosed in figures 38 and 45(b) and column 11 (line 59) through column 12 (line 10), column 12 (lines 45-60), and column 19 (lines 12-42). Kahn further discloses: that there are rules all aspects of payments in column 22 (lines 51-67); that direct deposit is an employer-to-employee type of payment in column 12 (lines 45-60); and using rules data for keeping track of legal compliance in column 1 (lines 24-35) and column 14 (lines 8-19).

2. Applicant's arguments filed August 21, 2007 regarding criteria for direct deposit payroll participation have been fully considered but they are not persuasive. The Applicant argues that Kahn does not disclose storing criteria for direct deposit payroll

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participation. The Examiner disagrees. Kahn discloses the act of storing payroll information in column 12 (line 45) through column 13 (line 42) and column 14 (lines 20-30) and in claim 1.

3. Applicant's arguments filed August 21, 2007 direct deposit data satisfying criteria for direct deposit payroll participation and sending payroll data over the network to the employee have been fully considered but they are not persuasive. The Applicant argues that Kahn does not disclose, "determining whether the direct deposit data for the employee satisfies the criteria for direct deposit payroll participation or if the employee direct deposit data satisfies the criteria, sending the corresponding payroll data over the network to the employee." The Examiner disagrees. It is clear in paragraph 6d that bank name, routing number, and account number are required (criteria) in order to obtain direct deposit. It is also clear that the system calculates deductions using a network, as shown in the Abstract and figure 1 and that employees can specify policies for payment in column 5 (lines 47-61).

4. Applicant's arguments with respect to claim 13 have been considered but are moot in view of the new ground(s) of rejection. The Applicant argues that Gates does not discuss time intervals for sending payroll data over a network to the employee. The Examiner agrees with the Applicant and cites Sy (US 2002/0120578) paragraph 9. Sy (US 2002/0120578) discloses the use of period based software. A rationale for the obviousness of this reference will be provided below.

5. Applicant's arguments with respect to claim 22 have been considered but are moot in view of the new ground(s) of rejection. The Applicant argues that Olsen does not discuss displaying the remaining time interval. The Examiner agrees with the Applicant and cites Sy (US 2002/0120578) figure 2 and paragraphs 31-34. Sy (US 2002/0120578) discloses displaying the remaining time to the user. A rationale for the obviousness of this reference will be provided below.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-11 and 28-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Kahn et al. (US 6,401,079 B1).

8. Claim 1 discusses a method for using a computer apparatus for managing access to payroll data and direct deposit data for a plurality of employees over a network, the method comprising: maintaining a computer system that is capable of sending and receiving data over the network; storing in the computer system employee

identification data, payroll data, and direct deposit data corresponding to each employee, and criteria for direct deposit payroll participation; receiving over the network employee identification data from an employee; matching the received employee identification data to the corresponding payroll data and direct deposit data in the computer system; determining whether the direct deposit data for the employee satisfies the criteria for direct deposit payroll participation; and if the employee direct deposit data satisfies the criteria, sending the corresponding payroll data over the network to the employee. Kahn et al. discloses:

- maintaining a computer system that is capable of sending and receiving data over the network as a personal computer equipped with hardware and software to provide an interactive connection to the Internet in figure 1 and column 11 (lines 34-49);
- storing in the computer system employee identification data, payroll data, and direct deposit data corresponding to each employee, and criteria for direct deposit payroll participation in column 11 (lines 50) through column 14 (line 19);
- receiving over the network employee identification data from an employee in the Abstract and column 11 (lines 27-33 and lines 59-67) and column 12 (lines 1-10);
- matching the received employee identification data to the corresponding payroll data and direct deposit data in the computer system in column 11 (line 57) through column 12 (line 10 and lines 45-60);
- determining whether the direct deposit data for the employee satisfies the criteria for direct deposit payroll participation and if the employee direct deposit data

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satisfies the criteria, sending the corresponding payroll data over the network to the employee in column 27 (lines 17-22), column 45 (lines 10-34), column 46 (lines 66 and 67), column 47 (lines 1-11), column 49 (lines 52-67), column 50 (lines 1-7), column 50 (lines 61-67) and column 51 (lines 1-13).

9. Claim 2 discusses the method of claim 1 wherein the computer system is capable of receiving direct deposit data from the employees over the network. Claim 1 has been rejected based on the discussion(s) above. Kahn discloses this in figure 1, figure 38, column 3 (lines 41-67), column 11 (lines 27-67) and column 12 (lines 1-10).

10. Claim 3 discusses the method of claim 2 further comprising the step of providing the employee confirmation of the direct deposit data received from the employee. Claim 2 has been rejected based on the discussion(s) above. Kahn discloses this in column 24 (lines 54-63), column 50 (lines 8-29) and column 51 (lines 47-63).

11. Claim 4 discusses the method of claim 2 wherein the direct deposit data received from the employees comprises RTNs. Claim 2 has been rejected based on the discussion(s) above. Kahn discloses this in column 11 (lines 59) through column 12 (lines 10).

12. Claim 5 discusses the method of claim 4 further comprising the step of identifying invalid RTNs in the direct deposit data from the employees and notifying the employee.

Claim 4 has been rejected based on the discussion(s) above. Kahn discloses the information in claim 4 and checking for errors in the bank routing number in column 30 (lines 14-22), column 46 (lines 66 and 67), column 47 (lines 1-11). Kahn also discloses the use of a 'history' or archived backup and error messages in case of a user entry error in figure 26(b), column 25 (lines 8-16), column 27 (lines 64-67) and column 28 (lines 1-7).

13. Claims 6 and 7 discusses the method of claim 2 wherein the criteria for direct deposit payroll participation may be input by an employer of the employee. Claim 2 has been rejected based on the discussion(s) above. Kahn discloses this in the Abstract, column 1 (lines 47-57), column 5 (lines 25-35) and column 6 (lines 1-23).

14. Claims 8 and 9 discuss the method of claim 2 wherein the direct deposit data received from the employee comprises a description generated by the employee for each direct deposit account. Claim 2 has been rejected based on the discussion(s) above. Kahn discloses showing a section under 'Bank Name' to describe the various bank accounts of the employee in figure 38 and column 11 (line 59) through column 12 (lines 10).

15. Claims 10 and 11 discuss the method of claim 2 further comprising the step of storing in the computer system W-2 and W-4 data corresponding to each employee, and wherein if the employee direct deposit data satisfies the criteria, the employee is

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provided access to the W-2 data corresponding to the employee. Claim 2 has been rejected based on the discussion(s) above. Kahn discloses this in column 20 (lines 8-15), column 21 (lines 31-49), column 35 (lines 17-67) and claim 4.

16. Claim 28 discusses a method for using a computer apparatus for managing access to payroll data and W-4 data for a plurality of employees over a network, the method comprising: maintaining a computer system that is capable of sending and receiving data over the network; storing in the computer system employee identification data, payroll data, and W-4 data corresponding to each employee, and criteria for W-4 participation; receiving over the network employee identification data from an employee; matching the received employee identification data to the corresponding payroll data and W-4 data in the computer system; determining whether the W-4 data for the employee satisfies the criteria for W-4 participation; if the employee W-4 data satisfies the criteria, sending the corresponding payroll data over the network to the employee. See the rejections of claims 1 and 11 above.

17. Claim 29 discusses the method of claim 28 wherein the computer system is capable of receiving W-4 data from the employees over the network. Claim 28 has been rejected based on the discussion(s) above. See the rejection of claim 2 above.

18. Claim 30 discusses the method of claim 29 further comprising the step of providing the employee confirmation of the W-4 data received from the employee. Claim

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29 has been rejected based on the discussion(s) above. See the rejection of claim 3 above.

19. Claim 31 discusses the method of claim 28 wherein the criteria for direct deposit payroll participation may be input. Claim 28 has been rejected based on the discussion(s) above. See the rejection of claim 6 above.

20. Claim 32 discusses the method of claim 31 wherein the criteria may be input by an employer of the employee. Claim 31 has been rejected based on the discussion(s) above. See the rejection of claim 7 above.

21. Claim 33 discusses the method of claim 28 further comprising the step of storing in the computer system W-2 data corresponding to each employee, and wherein if the employee W-4 data satisfies the criteria, the employee is provided access to the W-2 data corresponding to the employee. Claim 28 has been rejected based on the discussion(s) above. See the rejection of claim 10 above.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 12 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn in view of Vasic (US 2001/0034676 A1).

24. Claim 12 discusses the method of claim 2 wherein if the employee direct deposit data satisfies the criteria, the employee is provided access to income verification services. Claim 2 has been rejected based on the discussion(s) above. Kahn does disclose the information in claim 2 and providing access to services. Kahn does not specifically disclose the term "income verification". Vasic teaches the use of income verification in paragraph 67. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Kahn in view of Vasic to use income verification for convenience and security.

25. Claim 34 discusses the method of claim 28 wherein if the employee W-4 data satisfies the criteria, the employee is provided access to income verification services. Claim 28 has been rejected based on the discussion(s) above. See the rejection of claim 12 above.

26. Claims 13-22, 25, 26 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn in view of Sy (US 2002/0120578), hereafter referred to as Sy.

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27. Claims 13 and 35-37 discuss a method for using a computer apparatus and computer based system for managing access to payroll data and direct deposit data for a plurality of employees over a network, the method comprising: maintaining a computer system that is capable of sending and receiving data over the network; storing in the computer system employee identification data, payroll data, direct deposit data, and reference date data corresponding to each employee, and criteria for direct deposit payroll participation; inputting in the computer system data corresponding to a time interval for each employee, during which interval following the reference date, if the direct deposit data for the employee does not satisfy the criteria for direct deposit payroll participation, the employee may receive payroll data; receiving over the network employee identification data from an employee; matching the received employee identification data to the corresponding payroll data and direct deposit data in the computer system; determining whether the direct deposit data for the employee satisfies the criteria for direct deposit payroll participation; if the employee direct deposit data satisfies the criteria, sending the corresponding payroll data over the network to the employee; and if the employee direct deposit data does not satisfy the criteria, determining whether the employee time interval following the employee reference date has expired, and if the time interval has not expired, sending the corresponding payroll data over the network to the employee.

28. Kahn discloses: maintaining a computer system that is capable of sending and receiving data over the network; storing in the computer system employee identification

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data, payroll data, direct deposit data, and reference date data corresponding to each employee, and criteria for direct deposit payroll participation; receiving over the network employee identification data from an employee; matching the received employee identification data to the corresponding payroll data and direct deposit data in the computer system; determining whether the direct deposit data for the employee satisfies the criteria for direct deposit payroll participation; and if the employee direct deposit data satisfies the criteria, sending the corresponding payroll data over the network to the employee. See the rejection of claim above.

29. Kahn also discloses inputting in the computer system data corresponding to a time interval for each employee, during which interval following the reference date, if the direct deposit data for the employee does not satisfy the criteria for direct deposit payroll participation, the employee may receive payroll data. Kahn specifically discloses, employees receiving payroll data in the form on a check, in the Abstract, Background, Summary, figures [40(c), 41(c), 45(a), 46(a) and 46(b)], and column 12 (lines 28-33).

30. Kahn does not disclose that if the employee direct deposit data does not satisfy the criteria, determining whether the employee time interval following the employee reference date has expired, and if the time interval has not expired, sending the corresponding payroll data over the network to the employee. Sy teaches the use of period based software in paragraph 9. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Kahn

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in view of Sy to allow for payroll data to be sent over a network within a given time period because there may be a previous agreement to do so and because limiting the timeframe for sending payroll data can improve security.

31. Claim 14 discusses the method of claim 13 wherein the computer system is capable of receiving direct deposit data from the employees over the network. Claim 13 has been rejected based on the discussion(s) above. Kahn discloses receiving direct deposit data from the employees over the network. See the rejection of claim 2 above.

32. Claim 15 discusses the method of claim 14 further comprising the step of providing the employee confirmation of the direct deposit data received from the employee. Claim 14 has been rejected based on the discussion(s) above. Kahn discloses providing the employee confirmation of the direct deposit data received from the employee. See the rejection of claim 3 above.

33. Claim 16 discusses the method of claim 14 wherein the direct deposit data received from the employees comprises RTNs. Claim 14 has been rejected based on the discussion(s) above. Kahn discloses direct deposit data received from employees comprising RTNs. See the rejection of claim 4 above.

34. Claim 17 discusses the method of claim 16 further comprising the step of identifying invalid RTNs in the direct deposit data from the employees and notifying the

employee. Claim 16 has been rejected based on the discussion(s) above. Kahn discloses identifying invalid RTNs in the direct deposit data from the employees and notifying the employee. See the rejection of claim 5 above.

35. Claim 18 discusses the method of claim 13 wherein the criteria for direct deposit payroll participation may be input. Claim 13 has been rejected based on the discussion(s) above. Kahn discloses that the criteria for direct deposit payroll participation may be input. See the rejection of claim 6 above.

36. Claim 19 discusses the method of claim 18 wherein the criteria may be input by an employer of the employee. Claim 18 has been rejected based on the discussion(s) above. Kahn discloses that the criteria may be input by an employer of the employee. See the rejection of claim 7 above.

37. Claim 20 discusses the method of claim 13 wherein the direct deposit data received from the employee comprises a description generated by the employee for each direct deposit account. Claim 13 has been rejected based on the discussion(s) above. Kahn discloses that the direct deposit data received from the employee comprises a description generated by the employee for each direct deposit account. See the rejection of claim 8 above.

38. Claim 21 discusses the method of claim 20 wherein the payroll data sent over the network to the employee comprises the description generated by the employee for each direct deposit account. Claim 20 has been rejected based on the discussion(s) above. Kahn discloses that the payroll data sent over the network to the employee comprises the description generated by the employee for each direct deposit account. See the rejection of claim 9 above.

39. Claim 22 discusses the method of claim 13 wherein if the employee direct deposit data does not satisfy the criteria and the time interval has not expired, the remaining time interval is displayed to the employee. Claim 13 has been rejected based on the discussion(s) above. Kahn and Sy disclose the information in claim 13 and the use of defining various types of accounts. Sy teaches the use of displaying the remaining time-interval data to the employee in figure 2 and paragraphs 31-34. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Kahn in view of Sy because displaying the remaining time-interval data to the employee makes it clear to the employee the exact time left to enter appropriate direct-deposit data.

40. Claim 25 discusses the method of claim 13 further comprising the step of storing in the computer system W-2 data corresponding to each employee, and wherein if the employee direct deposit data satisfies the criteria, the employee is provided access to the W-2 data corresponding to the employee. Claim 13 has been rejected based on the

discussion(s) above. Kahn discloses storing in the computer system W-2 data corresponding to each employee, and wherein if the employee direct deposit data satisfies the criteria, the employee is provided access to the W-2 data corresponding to the employee. See the rejection of claim 10 above.

41. Claim 26 discusses the method of claim 13 further comprising the step of storing in the computer system W-4 data corresponding to each employee, and wherein if the employee direct deposit data satisfies the criteria, the employee is provided access to the W-4 data corresponding to the employee. Claim 13 has been rejected based on the discussion(s) above. Kahn discloses storing in the computer system W-4 data corresponding to each employee, and wherein if the employee direct deposit data satisfies the criteria, the employee is provided access to the W-4 data corresponding to the employee. See the rejection of claim 11 above.

42. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn and Gates as applied to claim 13 above, and further in view of Stoutenburg et al. (US 6,829,588 B1).

43. Claim 23 discusses the method of claim 13 wherein the direct deposit data comprise an option for pay distribution to a stored value card. Claim 13 has been rejected based on the discussion(s) above. Gates discloses the information in claim 13 and the use of defining various types of accounts. Gates does not specifically disclose

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the use of a stored value card. Stoutenburg et al. teaches the use of a stored value card in the Background Art, figure 1 (element 22), column 4 (lines 9-62), column 6 (lines 35-55), claim 12 and claim 27. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Kahn and Gates in view of Stoutenburg because a stored value card is convenient and allows temporary employees, transient employees and employees without bank accounts to access their money quicker.

44. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn and Gates as applied to claim 13 above, and further in view of Khemlani et al. (US 6,772,146 B2).

45. Claim 24 discusses the method of claim 13 wherein the corresponding payroll data is displayed in fields and the data comprises hyperlinks to definitions associated with one or more of the fields. Claim 13 has been rejected based on the discussion(s) above. Gates discloses the information in claim 13 and the use of defining various types of accounts. Gates does not specifically disclose the use of hyperlinks. Khemlani et al. teaches the use of hyperlink to a definition in figure 2(p) [element 230], figure 2(pa) and column 12 (lines 41-46). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Kahn and Gates in view of Khemlani et al. because hyperlinks are a quick and convenient way for

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the employee to access these definitions without taking up too much space on the main website.

46. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn and Gates as applied to claim 13 above, and further in view of Vasic.

47. Claim 27 discusses the method of claim 13 wherein if the employee direct deposit data satisfies the criteria, the employee is provided access to income verification services. Claim 13 has been rejected based on the discussion(s) above. Claim 13 has been rejected based on the discussion(s) above. Vasic discloses that if the employee direct-deposit data satisfies the criteria, the employee is provided access to income verification services. See the rejection of claim 12 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muriel Tinkler whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 7:30 AM until 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT
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HANI M. KAZIMI
PRIMARY EXAMINER